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13 Plaintiff APPLE INC.

E-Filed 6/22/11

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 ELAN MICROELECTRONICS
18 CORPORATION,
19 Plaintiff and Counterdefendant,
v.
20 APPLE, INC.,
21 Defendant and Counterplaintiff.

Case No. 09-cv-01531 RS (PSG)
**STIPULATION AND [PROPOSED]
ORDER MODIFYING CASE
MANAGEMENT SCHEDULING
ORDER**

22 AND RELATED COUNTERCLAIMS

1 WHEREAS, the January 28, 2011 Case Management Scheduling Order (Dkt. No. 192) set
 2 a fact discovery deadline of July 15, 2011 and an expert discovery deadline of October 28, 2011;

3 WHEREAS, Plaintiff Elan Microelectronics Corporation (“Elan”) and Defendant Apple,
 4 Inc. (“Apple”) have been working to complete outstanding discovery, including *inter alia*, written
 5 discovery, supplemental production of documents and pending depositions;

6 WHEREAS, there are pending motions before Magistrate Judge Grewal that may impact
 7 fact discovery to be conducted by the parties;

8 WHEREAS, counsel for Elan and counsel for Apple have met and conferred, and have
 9 agreed that a one month extension for the fact discovery deadline and one week extensions for all
 10 expert discovery deadlines would facilitate the completion of fact discovery, including following
 11 resolution of the pending motions;

12 WHEREAS, the parties respectfully submit that adequate time remains after the proposed
 13 new expert discovery cut-off date and before pretrial proceeding deadlines that the requested
 14 extension will not impact the deadline for filing of dispositive motions or other pretrial deadlines
 15 and will not necessitate additional changes to the remaining schedule deadline or the trial date, or
 16 disturb the holidays any further; and

17 NOW, THEREFORE, the parties respectfully request that the Court enter an order
 18 modifying the Case Management Scheduling Order as follows:

<u>Event</u>	<u>Old Date</u>	<u>New Date</u>
All non-expert discovery shall be completed by the parties	July 15, 2011	August 12, 2011
Plaintiff shall disclose expert testimony and reports in accordance with Federal Rule of Civil Procedure 26(a)(2)	September 2, 2011	September 9, 2011
Defendant shall disclose expert testimony and reports in accordance with Federal Rule of Civil Procedure 26(a)(2)	October 7, 2011	October 14, 2011
All discovery of expert witnesses pursuant to Federal Rule of Civil Procedure 26(b)(4) shall be completed	October 28, 2011	November 4, 2011

1 DATED: June 21, 2011

Respectfully submitted,

2 ALSTON & BIRD LLP

3

4 DATED: June 21, 2011

By: /s/ Sean P. DeBruine

5 Sean P. DeBruine
6 Attorneys for Plaintiff and Counterdefendant
7 ELAN MICROELECTRONICS CORPORATION

8 WEIL, GOTSHAL & MANGES LLP

9 By: /s/ Sonal N. Mehta

10 Sonal N. Mehta
11 Attorneys for Defendant and Counterclaim Plaintiff
12 APPLE INC.

13 PURSUANT TO STIPULATION IT IS SO ORDERED.

14

15 DATED: 6/21, 2011

16 
17 UNITED STATES DISTRICT JUDGE

1 **FILER'S ATTESTATION**

2 Pursuant to General Order No. 45, Section X (B) regarding signatures, I, Sean P. DeBruine,
3 attest that concurrence in the filing of this document has been obtained.

4 /s/ Sean P. DeBruine

5 Sean P. DeBruine

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